

## **REMARKS**

Claims 1-15, 17-22, 24, 26-35, and 37-40 stand rejected under 35 U.S.C. § 102(e) as anticipated by US patent publication 2003/0120900 by Zimmer et al. (hereinafter Zimmer).

Applicants thank the Examiner for the telephone interview of September 2, 2008. We discussed the present invention and a proposed amendment. The Examiner also encouraged Applicants to distinguish the present invention from the s-record format, to which Applicants agreed. Applicants submit the proposed amendment with this response.

### **Amendments to the Claims**

Applicants have amended claim 1 with the limitation “...an image header comprising 512 bytes with a first 128 bytes and a last 128 bytes that are location, size, and content definition invariant, the first 128 and last 128 storing architecture-specific descriptors and an eight byte version indicator...” The amendment is well supported by the specification. See page 15, ¶ 56-57; fig. 8, ref. 802, 804. Claims 13, 18, 27, 29, and 40 are similarly amended.

### **Response to rejections of claims under 35 U.S.C. § 102**

Claims 1-15, 17-22, 24, 26-35, and 37-40 stand rejected under 35 U.S.C. § 102(e) as anticipated by Zimmer. Applicants respectfully traverse this rejection.

Independent claim 1 as amended includes the limitations:

“...the self-descriptive binary data structure configured to communicate data between a source device and a target device distinct from the source device, and comprising

**an image header comprising 512 bytes with a first 128 bytes and a last 128 bytes that are location, size, and content definition invariant, the first 128 and last 128 storing architecture-specific descriptors and an eight byte version indicator;**

a plurality of data segments, each of the plurality of data segments comprising a segment header and a data field, the segment header descriptive of the corresponding data segment;

a target data set within the data field; and

a data structure descriptor descriptive of the self-descriptive binary data structure, the data structure descriptor identifying the location of the target data set within the data field.”

Independent claims 13, 18, 27, 29, and 40 include similar limitations. Applicants submit that Zimmer does not disclose an image header comprising 512 bytes with a first 128 bytes and a last 128 bytes that are location, size, and content definition invariant, the first 128 and last 128 storing architecture-specific descriptors and an eight byte version indicator as we discussed.

In addition, Applicants submit that the present invention is also distinguished from s-records. S-records contain 78 bytes organized as a length field, an address field, a data field, and a checksum field, with information stored in American Standard Code for Information Interchange (ASCII) and hexadecimal formats. See page 11, ¶¶ 40-41. S-records also do not include the image header comprising 512 bytes with a first 128 bytes and a last 128 bytes that are location, size, and content definition invariant, the first 128 and last 128 storing architecture-specific descriptors and an eight byte version indicator claimed by the present invention.

Applicants therefore submit that claims 1, 13, 18, 27, 29, and 40 are allowable as Zimmer

does not disclose each element of claims 1, 13, 18, 27, 29, and 40. Applicants further submit that claims 2-12, 14, 15, 17, 19-22, 24, and 26, 28, 30-35, and 37-39 are allowable as depending from allowable claims.

#### Conclusion

As a result of the presented remarks, Applicants assert that the application is in condition for prompt allowance. Should additional information be required regarding the traversal of the rejections of the claims enumerated above, Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

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